

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

RODERICK STEVENS

§

§

VS.

§

5:15-cv-01013

§

CHANCE G. ANDREPONT A/KA

§

JURY DEMANDED

CHANCE ANDREPOINT;

§

TIMCO SERVICES, LLC;

§

TIMCO SERVICES, INC., AND

§

TIMCO SERVICES, AN ASSUMED

§

OR COMMON NAME

§

**DEFENDANT TIMCO SERVICES, INC.'S NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF SAID COURT:

Please take notice that DEFENDANT TIMCO SERVICES, INC., hereinafter “Defendant,” hereby removes to the Court the state action described below pursuant to 28 U.S.C. § 1332(a)(1), 1441(b)(1) and 1446. In support of the removal and in accordance with codified requirements 28 U.S.C. § 1446(a),(b)(1), Defendant states as follows:

1. TIMCO SERVICES, INC. is a defendant in a civil action brought on October 13, 2015, styled *Roderick Stevens vs. Chance G. Andrepont a/k/a Chance Andrepont; Timco Services, LLC; Timco Services, Inc., and Timco Services, An Assumed or Common Name*; Cause No. 2015CI17357 in the 285<sup>th</sup> Judicial District Court of Bexar County, Texas. Pursuant to the provisions 28 U.S.C. § 1441 and 1446, Defendant removes this action to the United States District Court for the Western District of Texas, San Antonio Division, which is the judicial district and division in which the action is pending.

2. PLAINTIFF RODERICK STEVENS, hereinafter “Plaintiff,” contends in the State Court civil action that he suffered injuries and damages resulting from a motor vehicle

collision on October 18, 2013. A copy of Plaintiff's Original Petition in the State Court civil action is attached hereto as Exhibit "A."

3. On November 12, 2015 Defendant Timco Services, Inc. filed its Original Answer in the State Court civil action. A copy is herein attached as Exhibit "B."

4. On November 16, 2015, Defendant Chance G. Andrepont filed his Original Answer in the State Court civil action. A copy is herein attached as Exhibit "C."

4. Defendant has attached all process, pleadings, and orders in the State Court action which have been served upon them as required by 28 U.S.C. 1446(a). (See Exhibit "D.")

### **JURISDICTION AND VENUE**

5. The action is a civil action of which this Court has original jurisdiction under Title 28 U.S.C. § 1332 (Diversity Jurisdiction), and is one which may be removed to this Court pursuant to Title 28 U.S.C. § 1441. There is complete diversity of citizenship amongst the parties.

6. Plaintiff is an individual residing in Texas. (See Exhibit "A").

7. At the time suit was filed, and at the time of this removal action, Defendant TIMCO SERVICES, INC. is a corporation incorporated in the State of Delaware with its principal place of business in Lafayette, Louisiana. Defendant's Louisiana and Delaware citizenship is diverse to Plaintiff's Texas citizenship.

8. At the time suit was filed, and at the time of this removal action, Defendant Chance G. Andrepont is a citizen of the state of Louisiana. Defendant's Louisiana citizenship is diverse to Plaintiff's Texas citizenship. (See Exhibit "A")

9. Defendant Timco Services, LLC is a non-existent entity.

10. Defendant Timco Services is an assumed or common name for Defendant Timco

Services, Inc. who has appeared.

11. Defendant Chance G Andrepont has appeared and consents to this removal action.

12. All Defendants consent to this removal action.

13. Venue is proper in the Western District of Texas, San Antonio Division, because this district and division embrace Bexar County, Texas, the place in which the action is pending.

14. The amount in controversy exceeds the sum of Seventy-Five Thousand and 00/100 Dollars (\$75,000.00), exclusive of interest and costs. Plaintiff alleges damages and monetary relief of over Two Hundred Thousand and no/100 Dollars (\$200,000.00) but not more than One Million and no/100 0Dollars (\$1,000,000.00). (See Exhibit "A")

15. This Notice of Removal is filed within 30 days of receipt of the Plaintiff's Original Petition and within one year of the commencement of the action, so that it is timely filed under 28 U.S.C. § 1446 (b)(3), (c).

16. Additionally, this court would have original subject matter jurisdiction of this action under the provisions of 28 U.S.C. § 1332 if the action had originally been brought in federal court. Accordingly, Defendant may properly remove the State Court action pursuant to 28 U.S.C. § 1441.

17. Pursuant to 28 U.S.C. §1446(d) Defendant has served written notice on Plaintiff of the filing of this Notice of Removal and have also served a true and correct copy with the State Court, as required by 28 U.S.C. § 1446(d).

Respectfully Submitted,

**DAVID KLOSTERBOER & ASSOCIATES**  
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By: /s/ Veronica J. Lane  
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**ATTORNEY FOR DEFENDANT  
TIMCO SERVICES, INC.**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November 17, 2015, I electronically filed the foregoing with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of below in the manner specified, either via CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic filing.

James H. Shaffer  
Tyler & Peery  
5822 West IH 10  
San Antonio, Texas 78201

**Via Facsimile: (210) 736-9197**

/s/ Veronica J. Lane  
VERONICA J. LANE